REMARKS

Claims 1-44 are currently pending. Applicant kindly thanks the Examiner for rendering Claims 9-44 allowable. Applicant respectfully requests reconsideration and allowance of all remaining unallowed and objected-to claims in view of the remarks set forth below.

Rejection of Claims 1-8 under 35 USC § 102 and § 103

The Examiner rejects Claims 1-3 and 6-8 under 35 USC § 102(e) as being anticipated by, and claims 4-5 under 35 USC § 103(a) as being unpatentable over, Farris (US Pat. No 6,064,653). The Examiner states that Farris discloses voice calling on a packet switched network (Internet) and using an ISDN link to provide a second landline packet switched network. The Examiner states that the ISDN link is a separate data network from the POTS and does not utilize the PSTN voice circuit switching facilities. Applicant respectfully disagrees, and traverses the rejection.

In Applicant's most recently presented office action response (paper number 12), Applicant argued that Farris discloses a communication system that establishes communication links across the Internet, and switches to an ISDN connection when the Internet connection falls below a certain threshold quality level. Applicant stated that, contrary to the Examiner's assertion, an ISDN connection is *not* separate from a POTS network and does use a PSTN voice switching circuit. The ISDN link carries two voice-bands over the PSTN ("B" channels) and also has a low-speed data channel ("D" channel), which is not used for carrying speech. The Farris reference clearly states that the voice is carried over the B channels (column 11; lines 60-64). It also states that the "D" channel is used for signaling, not voice (column 12; lines 18-26). The B channels terminate in a PSTN switch, and are routed over the PSTN. Therefore, the ISDN link uses the POTS and does not use a separate packet switched network as Applicant claims. In fact, since the Farris reference teaches a POTS (ISDN) network backing up the packet voice network, the Farris reference teaches away from a two packet switched networks approach.

In the most recent office action (paper number 13), the Examiner responded to these arguments by citing an article entitled "Digital Telephony and Network Integration" for the proposition that an ISDN is a separate packet network that handles voice, data and multimedia and is distinct from a conventional POTS network. However, in reviewing this article,

Applicant respectfully submits that it does not stand for the proposition that an ISDN is a separate packet network from a POTS network. In fact, Applicant respectfully submits that the article supports Applicant's position. For example, referring to the paragraph starting at the bottom of page 42, the article recites that the ISDN is provided by using a digital subscriber line card on a 2-wire loop (POTS) using adaptive echo cancellation. The article continues by reciting the use of B-channels and D-channels as described above. Applicant provides herewith further support of its position by the attached copy from Hyperdictionary.com, which defines an ISDN as using "mostly existing Public Switched Telephone Network (PSTN) switches and wiring." As can be readily seen, an ISDN uses conventional POTS structure.

Conversely, independent Claim 1 recites, inter-alia, the use of two packet switched networks ("a first landline public packet switched network" and "a second landline packet switched network") to rout calls. The first network may be the Internet or other packet network, and the second is also a packet network separate from the POTS network. In one example, the second network is a common channel interoffice switching system (CCIS) for controlling the PSTN. By using a second packet switched network, especially one such as the CCIS that is already in place, the present invention can avoid increasing call volume on the POTS network when the Internet connection falls below the threshold value. Accordingly, as the present invention utilizes two packet switched networks, separate from the POTS, where, by contrast, the cited reference does not disclose or suggest two packet switched networks separate from the POTS, Applicant respectfully requests withdrawal of both the 35 U.S.C. § 102 and 35 U.S.C § 103 rejections, and submits that Claims 1-8 are in a condition for allowance.

Since the Examiner indicated that claims 10 and 12 were allowable but objected to as being ultimately dependent from base claim 1, this objection should now be withdrawn on the basis of the foregoing argument and explanation.

CONCLUSION

It is respectfully submitted that this application is now in condition for allowance. It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper.

However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 07-2347.

If the Examiner has any questions or comments, he is kindly urged to call the undersigned to facilitate prosecution.

Respectfully submitted,

Date: January 20, 2004

By: _____

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